

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 3-6, 8-11 and 14-18 remain pending in this application.

Claims 1 and 11 have been amended for clarity in a manner that renders moot the rejections thereof under 35 U.S.C. § 112, second paragraph.

Claims 1, 3 through 6, 8 through 10, and 14 through 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,042,592 to Schmitt (hereinafter simply referred to as "Schmitt") in view of U.S. Patent No. 6,406,423 to Scetbon (hereinafter simply referred to as "Scetbon").

Claim 1 presently recites a composite prosthesis for reinforcement of a tissue structure which includes a porous textile support with a microporous texture and a macroporous texture. The porous textile support includes a protected zone wherein a hydrophilic absorbable material forms a film on a portion of the textile support occluding at least the microporous texture. The macroporous texture of the textile support in a first portion of the protected zone is not occluded by the film and the macroporous texture of the textile support in a second portion of the protected zone is occluded by the film. Support for claim 1 as amended may be found in paragraphs [0029] and [0037] of the specification as filed.

Turning now to the cited references, nowhere does Schmitt teach or suggest a composite prosthesis for reinforcement of a tissue structure including a porous textile support with a microporous texture and a macroporous texture wherein a hydrophilic absorbable material forms a film on the protected zone of the textile support occluding at least the microporous texture, and wherein the film is noncontinuous and the macroporous texture of the textile support in a first portion of the protected zone is not occluded by the film and the macroporous texture of the

textile support in a second portion of the protected zone is occluded by the film as presently recited in claim 1.

Rather, as noted by the Examiner (see page 4, lines 1-3 of the Office Action dated February 2, 2009), Schmitt teaches a continuous film which fails to occlude any portion of the macroporous texture of the support. More specifically, Schmitt teaches a support (trellis) with pores which can be regulated to be preferably about 50 microns or larger to facilitate assimilation of the trellis into the body (see column 6, lines 57-63 of Schmitt). As further noted by the Examiner (see page 4, line 3-5 of the Office Action dated February 2, 2009), Schmitt also fails to disclose a film which is made from a hydrophilic absorbable material. Thus, Schmitt does not disclose the use of a film of a hydrophilic absorbable material to create a protected zone on the support, wherein the macroporous texture of the textile support in a first portion of the protected zone is not occluded by the film and the macroporous texture of the textile support in a second portion of the protected zone is occluded by the film, Schmitt fails to anticipate or render obvious claim 1, as well as any claims depending directly or indirectly therefrom, which include claims 3 through 6, 8 through 10 and 14 through 18.

Scetbon fails to remedy the deficiencies of Schmitt. While Scetbon discloses a tape which can have a re-absorbable hydrophilic film in the central portion of the tape, nowhere does Scetbon disclose or suggest a porous textile having a macroporous texture and a protected zone (coated portion) wherein a portion of the macroporous texture of the textile in the protected zone is not occluded by a hydrophilic absorbable film and a portion of the macroporous texture of the textile in the protected zone is occluded by a hydrophilic absorbable film. Thus, Scetbon cannot be combined with Schmitt to render any of the pending claims obvious and reconsideration of this rejection is respectfully requested.

Accordingly, withdrawal of the rejections regarding claims 1, 3 through 6, 8 through 10 and 14 through 18 as recited above is respectfully requested.

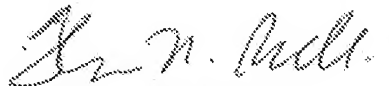
Claim 11 was also rejected under 35 U.S.C. §103(a) as being unpatentable over Schmitt in view of Scetbon and further in view of EP 0774240 A1 to Landgrebe et al. (hereinafter referred simply to as "Landgrebe"). Claim 11 depends from claim 1 and therefore includes all the limitations of claim 1. This rejection is respectfully traversed.

As noted above, neither Schmitt nor Scetbon, taken alone or in any combination, render obvious claim 1 or any claim depending therefrom. Landgrebe fails to remedy the deficiencies of Schmitt and Scetbon, no matter how these references may be combined. Nowhere in Landgrebe is a porous textile having a macroporous texture and a protected zone (coated portion) wherein a hydrophilic absorbable film is positioned on the textile wherein the macroporous texture of the textile support in a first portion of the protected zone is not occluded by the film and the macroporous texture of the textile support in a second portion of the protected zone is occluded by the film. Rather, Landgrebe discloses an implant for suspension of the urinary bladder having two pairs for projections and non-parallel edges. Although Landgrebe discloses the implant may be made from nonabsorbable materials having an absorbable coating thereon, there is no teaching or suggestion in Landgrebe of a textile having a macroporous structure on the coated area of the implant. Landgrebe also fails to teach or suggest that portions of the film occlude the macroporous texture of textile and portions of the film fail to occlude the macroporous texture of the textile. Thus, Schmitt, Scetbon, nor Landgrebe, taken alone or in any combination, render claim 11 obvious and reconsideration of this rejection is respectfully requested.

Accordingly, withdrawal of the rejection of claim 11 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,



Thomas M. Rosselli
Reg. No. 53,532
Attorney for Applicant

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 420
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526